

MINUTES

RANDOLPH COUNTY PLANNING BOARD

June 6, 2006

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, June 6, 2006, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Lynden Craven** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. Hal Johnson, Planning Director, called roll of the members: Lynden Craven, Chairman, present; Jim Rains, Vice Chairman, absent; Maxton McDowell, present; Larry Brown, absent; Phil Ridge, present; Chris McLeod, present; Reid Pell, present; Wayne Joyce, Alternate, present (substituting for regular member Rains); and Danny Shaw, Alternate, present (substituting for regular member Brown). **County Attorney Alan Pugh** was present for this meeting.
3. **McDowell** made the motion, seconded by **Pell**, to approve the minutes of the May 2, 2006 Randolph County Planning Board meeting. The motion passed unanimously.
4. **REQUESTS FOR A SPECIAL USE PERMIT:**

***Swearing in of the Witnesses** - "Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."*

Four people took this oath.

- A. **JEFF LOONEY**, Asheboro, North Carolina, is requesting a Special Use Permit for a rural family occupation to permit the construction of a 30' x 60' building for a trucking business with no more than 5 trucks at his future residence located at 1552 Foxfire Road, 5.20 acres, Secondary Growth Area, Grant Township, Zoning District RA, Tax ID #7790183291. Property Owner - Michael Shehan.

Looney was present and explained that he has four tractor-trailer trucks. Looney said he needs a place to park his trucks and a shop to work on his trucks. Looney said he will only be working on his trucks. Looney said there will be no employees in the shop. Looney said the only employees he has are truck drivers. Looney said it is hard to find a place to park his trucks. Looney said most of the time his employees drive their assigned truck home or the trucks are on the road.

John Gatlin, 3357 Marathon Drive, said that their concern is the size of Fox Fire Road. Gatlin said the road is a very narrow two-lane road. Gatlin said he is speaking for his mother and sister also. Gatlin said the drive entrance has poor visibility and the commercial traffic will create a traffic danger to the road. Gatlin said most people do not obey the speed limit of 45 on this road.

McDowell made the motion, seconded by **Joyce**, to approve the Special Use Permit. The motion passed unanimously.

- B. ANN CUTTER**, Greensboro, North Carolina, is requesting a Special Use Permit for an environmental field laboratory as per site plan located on Bachelor Creek Road, 13.39 acres, Rural Growth Area, Richland Township, Zoning District RA, Tax ID #7687635717. Property Owner - George Gretscher.

Cutter was present and explained she teaches environmental biology courses at Randolph Community College. Cutter said the property would be used to expose her biology students to demonstrations of techniques for energy production and land use. Cutter said she would construct a picnic shelter/assembly area that would also contain toilet facilities. Cutter said no more than 30 students would be on the property at any one time. Cutter said the property has many sampling areas and would be used for many environmental demonstrations. Cutter said in the future she would construct a solar greenhouse on the property.

Debbie Craven, Coldwell Banker Real Estate, said that the property owner, George Gretscher, is interested in selling the property to Cutter for this use. Craven said Gretscher is retaining property on Bachelor Creek Road as well as giving some of the land to his children. Craven said Gretscher supports this effort by Cutter to use the property for the biological studies at Randolph Community College.

George Bain, 3966 Bachelor Creek Road, said he likes the idea for having this type of use in his neighborhood and supports Cutter's efforts.

There was no one present in opposition to this request.

McLeod made the motion, seconded by **Pell**, to approve George Gretscher the Special Use Permit. The motion passed unanimously.

5. **REQUESTS FOR PROPERTY REZONING:**

- A. **JEROME PILARSKI**, Siler City, North Carolina, is requesting that 10.58 acres (out of 24.41 acres) located on Old Staley Road (across from Cox Meadow Road),

Columbia Township, be rezoned from RA to RLOE-CD. Rural Growth Area. Tax ID# 8734011494. The proposed Conditional Zoning District would specifically allow the re-division of a minor subdivision lot into 3 additional lots for site-built homes with a minimum house size of 1,200 sq. ft.

- **Neighborhood Information Meeting Summary**

The developers were present for the meeting. No other citizens attended the meeting concerning this request.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal is in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as consistent with existing subdivision development in the area.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.13 Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.

Policy 6.14 Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes "leap frog" development (i.e. leaving large vacant areas between developments).

Jerry King, Surveyor, was present and explained his clients' intentions of building homes for their family. King said they plan to build their home and a home for each of their children.

Johnson said this development would be compatible to Williams Creek Subdivision across the road from this site.

There was no one present in opposition to this request.

McDowell made the motion, seconded by **Joyce**, to recommend to the Commissioners that this request be approved. The motion passed unanimously.

B. **LARRY FIELDS**, Randleman, North Carolina, is requesting that 119.85 acres

located on Racine Road, Providence Township, be rezoned from RA to CVOE-CD. Secondary Growth Area. Polecat Creek Watershed. Tax ID# 7777775198. The proposed Conditional Zoning District would specifically allow the development of a 54-lot residential subdivision for site-built homes with a minimum house size of 1,500 sq. ft. Property Owner - Mary Edith Hinshaw.

- **Neighborhood Information Meeting Summary**

The developer was present for the meeting. Eleven (11) citizens attended the meeting questioning the type of housing being proposed. There were no concerns or opposition expressed.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal is in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as consistent with existing subdivision development in the area.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.13 Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.

Policy 6.14 Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes "leap frog" development (i.e. leaving large vacant areas between developments).

Mack Summey, Summey Engineering, said that Fields is requesting that the minimum house size be increased to 1,700 sq. ft. instead of the original proposal of 1,500 sq. ft. Summey said Fields has had interested builders that want the minimum house size increased.

There was no one present in opposition to this request.

McLeod said he felt this would improve the area.

McLeod made the motion, seconded by **Ridge**, to recommend to the

Commissioners that this request be **approved**. The motion passed unanimously.

- C. **K & B REALTY COMPANY**, Totowa, New Jersey, is requesting that 6.36 acres located on Old 421 Road, Columbia Township, be rezoned from RA to LI. Primary Growth Area., Rocky River Watershed. Tax ID# 8735417465. It is the desire of the applicant to use the property for industrial purposes.

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be **approved** consistent with existing industrial development. Example of a Growth Management Policy that the Technical Review Committee found supporting this recommendation are:*

***Policy 1.1** The County will encourage new and expanding industries and businesses which: (1) diversify the local economy, (2) utilize more highly skilled labor force and (3) increase area residents' incomes.*

***Policy 3.2** Industrial development should be on land that is physically suitable and has unique locational advantages for industry. Advanced planning for the identification of such land should be encouraged.*

***Policy 3.5** Warehousing, storage and distribution facilities should have direct access to appropriate thoroughfares and should be visually buffered according to their location.*

Peter Osborne, Clifford Estes Company, said they purchased the property three years ago with hopes of expanding their operations. Osborne said they want to clear one acre for a 20,000 sq. ft. warehouse. Osborne said they are in the decorative sand and gravel business. Osborne said they have approximately 45 employees and this addition would give them room for another 15 employees.

Pugh said the nature of this use would not need to be seen by the highway. Osborne agreed and said they would maintain a buffer of trees along the highway. Osborne said they don't plan any additional accesses to the highway. Pugh asked Osborne if he had any opposition to a 20 ft. buffer along the highway. Osborne answered no and agree to add this buffer to his request.

There was no one present in opposition to this request.

Ridge made the motion, seconded by **McLeod**, to recommend to the Commissioners that this request be approved. The motion passed unanimously.

- D. **LARRY EAST**, Sophia, North Carolina, is requesting that 50.16 acres located on Branson Davis Road, New Market Township, be rezoned from RA to CVOE-CD. Secondary Growth Area. Randleman Lake Watershed. Tax ID#'s 7746506036, 7746618050, and 7746627138. The proposed Conditional Zoning District would specifically allow the development of a 46-lot residential subdivision for site-built homes or conventional modular homes with a minimum house size of 1,600 sq. ft. Property Owner - Buttke Dairy Enterprises, Inc.

- **Neighborhood Information Meeting Summary**

The developer and his surveyor were present for the meeting. There were five (5) citizens present that expressed the following concerns:

***negative effects on the tax payers from buyouts from the proposed I-74 corridor*

***negative storm water run-off effects*

***off-site sewer systems should not be permitted*

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal is in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as consistent with existing development in the area. However, the Technical Review Committee felt the developer should be required to place the future I-74 Corridor on the final plat and disclose to prospective buyers that the property is in the path of the proposed corridor.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 2.6 The County should encourage new major conventional residential subdivision development to be located in growth areas likely to be served at some point by public infrastructure or in cluster subdivisions to be designed in a manner that would reduce infrastructure extension distances.

Policy 6.13 Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.

Policy 6.14 Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes “leap frog” development (i.e. leaving large vacant areas between developments).

Charles Morgan, 101 Bonnett Place, Archdale, said that all the lots will have nice views. Morgan said this is a nice area and they are pleased with the lots. Morgan said the State has not issued any final status on the proposed corridor and it may be 20 years down the road. **Johnson** asked if the road was to be built in the next couple of years would it impact this development design; and **Morgan** answered yes. **Johnson** asked Morgan about use of off-site sewer systems. **Morgan** said they are using some in the areas of the creek. Morgan said there are possibly 7 or 8 lots that may not be buildable.

McDowell asked if the electrical power would be underground; and **Morgan** answered yes. **McDowell** questioned off-frame modular homes being proposed; and **Morgan** said that the Building Inspections Office considers these modular homes the same as a site-built home.

Ridge asked if Kersey Acres Subdivision had any modular homes, and **Morgan** said no. **Ridge** asked if they intent to cut the road being proposed in the path of the future highway. **Morgan** said they may wait a year or two to see where the road will go.

Craven asked when the subdivision would be complete. **Larry East** said it will probably take a year and a half to complete the roads and utilities. **Craven** asked if the purchasers of the lots will be notified of the future highway; and **East** answered yes. **Pugh** asked if the proposed road on the northern end of the property would be built first; and **East** answered yes.

Ridge expressed concern that if the highway is built there will be no access to the lots in that cul-de-sac.

McLeod asked East if he would be opposed to all stick built homes. **East** said he has two subdivisions in the area that are restricted to only site-built homes and he would like a development that would allow modular homes and site-built homes.

Lyn Small, 4807 Walker Mill Road, said that he owns property across the road from this proposed development. Small said he didn't feel removing open space would benefit the county. Small said the final plan for the future highway is scheduled for February 2007. Small said the DOT has already acquired land in

this area for the project and approval of the development would be ill advised. Small said he felt most of the homes would have to be acquired by the State for the future highway project at a sum in excess of 2.2 million dollars. Small said this increased cost could delay the highway project. Small said this is not in the best interest of Randolph County or North Carolina. Small said eight of the proposed lots would require off-site sewers along a stream. Small said open space should be used to protect these streams. Small said open space would make the development more compatible to the community. Small said the quality of life in this area is diminishing quickly by some of the rezoning cases being approved. Small asked why this area does not require subdivisions with 3 to 4 acre lot sizes. Small said the house size should also be increased. Small said if you set low expectations you get low results. Small said you only get one chance with subdivisions to get it right.

Butch Coltrane, Common Wealth Road, Randleman, said he felt Small had covered things well. Coltrane said the crowding up of houses in the area will only create problems with the groundwater in the area. Coltrane said a one-acre lot on Wood Oaks Trail brings in 300 dollars in tax revenue and a 3-acre lot in White Oak Subdivision on Racine Road brings in approximately 1300 dollars in tax revenue. Coltrane said the larger lots bring more value and cost the schools less. Coltrane also expressed concern for modular homes being permitted.

There were 8 people present in opposition to this request.

Wesley Patterson, 5030 Branson Davis Road, said that money is all its about. Patterson said if the County is going to permit homes they should require nice site-built homes. Patterson said it should be like the homes being built on Beckerdite Road. Patterson said we should have something nice for the community and the County.

Pugh said from a condemnation stand point the land is more valuable to the property owner if a subdivision is approved by the Board. Pugh reminded the Board of a case that was considered and approved recently across the road from this site. Pugh advised the Board that they could require the developer to notify buyers of the future highway plans. Pugh also advised the Board that they can take into account the future highway plan when considering to recommend denial of the request. Pugh told the Board that the property is located within a Secondary Growth Area. Pugh said the issue of open space is a valid issue but it is not an issue within the Growth Management Plan for a Secondary Growth Area..

Ridge said he felt this case was different from the Davis case across the road.

Ridge said Davis owned that property for many years and this property was recently purchased with the knowledge of the future highway corridor location. **Pugh** said that because of the two separate roads being proposed the application could be considered two separate cases if the Board so desires.

Ridge said he also has some concern with modular homes being proposed in a site-built subdivision. **McDowell** agreed. **Ridge** asked East if they are requiring enclosed garages on the homes; and **East** answered not at this time.

McLeod said when you start bringing in modular homes it kills the market for site-built homes.

Pugh said there is a potential demand from commuters for a nice development with the new highway being proposed.

Craven said he is concerned about that section of the property where the new road is being proposed. Craven said the cost could be substantial to the taxpayers in the future.

Pugh said the Board has the options to approve the request as presented, deny the request as presented, or severing the property and making two separate recommendations.

McLeod said he didn't feel the Board could approve this development proposed in the future highway corridor. McLeod said there have already being properties condemned across the road.

Ridge made the motion to recommend to the Commissioners to deny the western section of the request due to the future highway corridor and deny the balance of the request because of the modular homes being included in the proposal.

McLeod seconded the motion and the motion passed unanimously.

- E. **EARNHARDT BUILDERS, INC.**, Asheboro, North Carolina, is requesting that 113.39 (out of 208.20 acres) located on Post Road, Tabernacle Township, be rezoned from RA to CVOE-CD. Secondary Growth Area. Lake Reese Watershed. Tax ID# 6794275820. The proposed Conditional Zoning District would specifically allow the development of a 33-lot residential subdivision for site-built homes with a minimum house size of 1,500 sq. ft.

- **Neighborhood Information Meeting Summary**

The developer's representative, Mike Pugh was present. There were two

concerned citizens present. They expressed concern for the possible residual effect of sludge application to the proposed site.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal is in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as consistent with existing subdivision development in the area.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 2.6 The County should encourage new major conventional residential subdivision development to be located in growth areas likely to be served at some point by public infrastructure or in cluster subdivisions to be designed in a manner that would reduce infrastructure extension distances.

Policy 6.13 Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.

Policy 6.14 Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes “leap frog” development (i.e. leaving large vacant areas between developments).

Mike Pugh, representative for Earnhardt Builders, said they propose 33 house lots. Pugh said the lots will be served by Davidson Water, and Post Road will be paved. Pugh said they are proposing 1,500 sq. ft. minimum stick-built homes. Pugh said they will maintain the 50 ft. buffers as required along the streams. Pugh said he has contacted the State about the sludge issue and the sludge application is not a “material fact” that must be disclosed. Pugh said the sludge was applied by all Federal and State guidelines. Pugh said the guidelines have all been exceeded.

Ridge asked if any buffers were being proposed along the adjoining property line where the 1-acre lots are being proposed. **Earnhardt** answered this area is an open field, but he would not be opposed to planting a buffer along that line.

McDowell questioned the large lots at the end of the cul-de-sac, and **Pugh**

answered that the reason the lots were so large was due to topography and perking problems. **McDowell** asked what the minimum house size is in the adjoining development, and **Pugh** answered 1,500 sq. ft. **McDowell** asked how many lots were developed across the street, and **Pugh** answered 49-lots on 100 acres. **County Attorney Alan Pugh** asked that the record reflect the fact that there is no relation of himself and Mike Pugh.

Eric Black, 6656 Post Road, Thomasville, said that this Board denied the request across the street by a vote of 6 to 1. Black said that the Commissioners approved that same request. Black said he wished the Commissioners would listen to the Planning Board. Black said we need to preserve our farmland and our quality of life. Black said the open space needs to be maintained. Black said the Commissioners have asked the State to set aside over a billion dollars to preserve farmland, but this contradicts how they vote on subdivision requests. Black said that he gets confused when dealing with the Commissioners. Black said that 19 of these proposed lots will only be 1-acre in size. Black said if the septic tanks on these lots fail it will drain into Lake Reese Watershed. Black said the traffic flow on Post Road will go from 6 vehicles to 198 vehicles. Black said this will increase the traffic on Old Mountain Road to 1000+ vehicles. Black said he doesn't believe the school system is correct in their projection of how many children will come from these new developments. Black discussed the large cost the taxpayers will have to educate the students that will come from these new developments. Black said the sales tax dollars from these residents don't go to Randolph County, because they shop in Davidson County. Black complained that no natural areas or buffers are being proposed. Black said the sludge was last applied in 1997. Black said every test has contained heavy metals because heavy metals don't go away. Black said the sludge was applied under a valid permit, but he didn't think it was properly applied. Black provided and referred to a letter warning of the dangers of heavy metals sludge applications. Black discussed many concerns with the application of sludge to this site during the years of 1994-1997. Black said Guilford County is establishing a program to test children for lead and Randolph County are taking these risks to develop housing developments on this property. Black asked the Board to consider the following issues:

- **traffic flow
- **lot sizes too small
- **house sizes too small
- **impact on school system
- **sewage sludge
- **full disclosure of sludge application should be required prior to any land transaction/sale

****no economic value to Randolph County**

Black provided a packet of his presentation for the record.

McLeod asked Black if the land had been for sale; and **Black** answered no. Black said he told Wellborn (the original property owner) that he wanted to farm the land, but evidently Earnhardt proposed an offer that he could not refuse. **Craven** asked Black if the land would be safe for growing crops; and **Black** answered yes, that the metals have sank far enough into the ground.

Gary Satterfield, 2130 Old Mountain Road, pointed out a stream that is not being shown on the proposed map. Satterfield said he is opposed to the number of lots Earnhardt packs into small areas. Satterfield said that this development just doesn't fit the character of their farming community. Satterfield said the sludge issue is a very serious issue. Satterfield said there was no supervision provided when the sludge was being applied. Satterfield said that Fox8 did a story on the terrible smell that came from the sludge. Satterfield said they found deer dead in these fields during that time. Satterfield said the fields have not been tested.

Scott Moore, 1720 Kingston Road, Trinity, expressed his concern for the sludge application. Moore also expressed concern for the creek that runs through the property. Moore said since Earnhardt has dug three house footings on the property, the creek has a strange smell and color now. Moore said its killing the fish and frogs in the creek. Moore expressed opposition to the density being proposed.

Susan Jester, 2006 Kennedy Farm Road, talked about the problems they had perking their 8 acres of land. Jester talked about the extensive septic system they were required to install. Jester said this property backs up to their land. Jester said she works for the school system and she is concerned about the impact this will have on the schools.

There were 10 people present in opposition to this request.

McDowell said Earnhardt is proposing the same development as last time. McDowell said he didn't like the request last time and he doesn't like it now. McDowell said the lot sizes nor the house sizes are compatible to this area. McDowell said he is totally against this request.

McLeod asked what Growth Area the property is located in. **Johnson** answered that the property is in a Secondary Growth Area.

Ridge said that there will be some open space owned by individuals because there will only be one home permitted on each lot. Ridge asked Pugh if the County had any liability concerning sludge application. **Pugh** said that the regulation of environmental hazards is a joint responsibility between the Federal Government (EPA) and the State of North Carolina (DENR). Pugh said that land use decisions are those of the County. Pugh said the County does not have any liability or responsibility concerning sludge application.

McDowell made the motion to recommend to the Commissioners that this request be denied. The motion died due to a lack of a second.

Ridge made the motion to recommend to the Commissioners that this request be approved with a buffer to be worked out with the Planning Office.

Earnhardt agreed to a Level 3 buffer along the eastern property line.

Ridge amended his motion. Ridge made the motion to recommend to the Commissioners that this request be approved with the condition of a Level 3 buffer along the eastern property line. **McLeod** seconded the motion and the motion passed by a vote of 5 to 2, **Shaw** and **McDowell** voted against the motion.

6. The meeting adjourned at 8:54 p.m. There were 53 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary